

Rejection to Claims under 35 U.S.C. §102(b)

Claims 1, 3, 5, 6 and 9 to 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Herzhoff.

Herzhoff discloses a detection device for detecting thickenings, i.e. jams, in a web. A web 4 is passed over a roller 2, whose axis is fixed. (Col. 2, lines 49-50). When a web thickening is detected, the web 4 contacts a sensor roller 1 connected to a toggle lever.

Claims 1 and 10 recite a device or sensor for measuring a web tension, in which a roller contacting the web has an axis of rotation, the axis of rotation being "moveable in a first direction."

As clear from the present specification, and from the prior art, for an axis to be moveable, it must be able to translate, as shown by arrow 6 of the present application in Fig. 1. When a roller can only solely rotate, the axis is fixed, and thus is not movable. Only upon translation of the axis can the axis move.

The Examiner has asserted roller 2 of Herzhoff as the claimed roller, and roller 1 as the counteracting device. The axis of roller 2 of Herzhoff is fixed, as clearly stated at column 2, line 49-50, and thus is not moveable as recited in the claims of the present application.

In addition, roller 1 of Herzhoff is not a counteracting device as recited in claim 1 nor provides a counteracting force as recited in claim 10. Claim 1 recites, the counteracting device "forcing the roller [over which the web runs] in a second direction opposite the first direction."

The roller 1 of Herzhoff in no way forces the roller 2 of Herzhoff to oppose any movement of roller 2. Roller 1 rotates with roller 2 via belt 16, and is not used to provide a counteracting force as in claim 1 or 10. It appears roller 2 is driven by the web 4, and this motion then drives roller 1 via belt 14.

In addition, Herzhoff does not measure a web tension as recited in claim 8, or have a controller therefore as recited in claim 1.

Withdrawal of the rejection to claims 1 and 10, and their dependent claims 3, 5, 6, 9, 11 and 12 under 35 U.S.C. §102(b) is respectfully requested.

In addition, with respect to claim 3, there is no motor in Herzhoff. Roller 2 appears to be driven by web 4, and belt 14 then moves roller 1. Withdrawal of the rejection with respect to

claim 3 is requested for this reason as well.

Rejection to Claims under 35 U.S.C. §103

Claims 2, 4, 7, 8 and 13 were rejected under 35 U.S.C. § 103 over Herzhoff either alone or in view of Takai et al.

With respect to these dependent claims, it is respectfully requested that the 103 rejection be withdrawn in view of the comments with respect to claims 1 and 10 above, namely that Herzhoff does not show that the axis of roller 2 is moveable, but rather shows a fixed axis. Moreover, no counteracting device or controller for measuring a web tension is disclosed.

In addition, with respect to claims 7 and 8, it is respectfully submitted that there is no reason or motivation to combine the two references. The resulting combination would, it is respectfully submitted, not create an improved yarn running speed or fluff generation, since the asserted combination of the teachings of Takai placed in the device of Herzhoff would be a web tension device.

Moreover, with respect to claim 13, it is respectfully submitted that the controller of Herzhoff is connected to roller 1 of Herzhoff, which has not been asserted as the roller of claim 1. There is no teaching or reason to move the axis of roller 2 of Herzhoff, since this roller is fixed.

Withdrawal of the 103 rejections to claims 7, 8 and 13 is respectfully requested for these reasons as well.

CONCLUSION

It is respectfully requested that the present application is now in condition for allowance,  
and applicants respectfully request such action.

Respectfully submitted,

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